

**EIGHTY-NINTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Friday, April 10, 2009

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Berkey, Brown, Eide, Fairley, Keiser and McAuliffe.

The Sergeant at Arms Color Guard consisting of Pages Eli Perez and Amanda Marie Williams, presented the Colors. Pastor Brian Wiele of the River Ridge Covenant Church of Olympia offered the prayer.

**MOTION**

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

**MOTION**

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

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The House has passed the following bills:

- SENATE BILL NO. 5015,
  - SENATE BILL NO. 5356,
  - SUBSTITUTE SENATE BILL NO. 5571,
  - SUBSTITUTE SENATE BILL NO. 5613,
  - SUBSTITUTE SENATE BILL NO. 5776,
  - SENATE BILL NO. 6068,
  - SENATE JOINT MEMORIAL NO. 8006,
  - SENATE JOINT MEMORIAL NO. 8012,
  - SENATE JOINT MEMORIAL NO. 8013,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:

- SENATE BILL NO. 5017,
- SUBSTITUTE SENATE BILL NO. 5195,
- SENATE BILL NO. 5233,
- SUBSTITUTE SENATE BILL NO. 5271,
- SENATE BILL NO. 5284,
- SENATE BILL NO. 5305,
- SENATE BILL NO. 5315,
- SENATE BILL NO. 5322,
- SUBSTITUTE SENATE BILL NO. 5327,
- SUBSTITUTE SENATE BILL NO. 5343,
- SUBSTITUTE SENATE BILL NO. 5350,
- SENATE BILL NO. 5426,
- SUBSTITUTE SENATE BILL NO. 5434,
- SENATE BILL NO. 5695,
- SENATE BILL NO. 5699,
- SENATE BILL NO. 5767,
- SUBSTITUTE SENATE BILL NO. 5793,
- SENATE BILL NO. 5980,
- SUBSTITUTE SENATE BILL NO. 5987,

SUBSTITUTE SENATE BILL NO. 6000,  
SUBSTITUTE SENATE BILL NO. 6024,  
SENATE JOINT MEMORIAL NO. 8003,  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE SENATE BILL NO. 5797,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:

- SUBSTITUTE HOUSE BILL NO. 1010,
  - ENGROSSED HOUSE BILL NO. 1053,
  - HOUSE BILL NO. 1257,
  - SUBSTITUTE HOUSE BILL NO. 1271,
  - HOUSE BILL NO. 1273,
  - HOUSE BILL NO. 1281,
  - SUBSTITUTE HOUSE BILL NO. 1303,
  - ENGROSSED HOUSE BILL NO. 1311,
  - SUBSTITUTE HOUSE BILL NO. 1323,
  - HOUSE BILL NO. 1324,
  - HOUSE BILL NO. 1375,
  - HOUSE BILL NO. 1380,
  - SUBSTITUTE HOUSE BILL NO. 1435,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
  - HOUSE BILL NO. 1474,
  - HOUSE BILL NO. 1478,
  - HOUSE BILL NO. 1492,
  - HOUSE BILL NO. 1506,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
  - SUBSTITUTE HOUSE BILL NO. 1565,
  - HOUSE BILL NO. 1567,
  - ENGROSSED HOUSE BILL NO. 1568,
  - HOUSE BILL NO. 1596,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:

- SUBSTITUTE HOUSE BILL NO. 1518,
- and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

April 9, 2009

MR. PRESIDENT:

The Speaker has signed the following:

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SUBSTITUTE HOUSE BILL NO. 1621,  
 SUBSTITUTE HOUSE BILL NO. 1663,  
 SUBSTITUTE HOUSE BILL NO. 1692,  
 SUBSTITUTE HOUSE BILL NO. 1808,  
 SUBSTITUTE HOUSE BILL NO. 1825,  
 HOUSE BILL NO. 1826,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,  
 SUBSTITUTE HOUSE BILL NO. 2013,  
 SUBSTITUTE HOUSE BILL NO. 2095,  
 SUBSTITUTE HOUSE BILL NO. 2214

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6153 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, Brandland and King

AN ACT Relating to replacing the tax credit for the motion picture competitiveness program with a tax credit for the program for supported employment services for individuals with developmental disabilities as they transition from high school to the workforce; amending RCW 82.04.4489; and providing an effective date.

Referred to Committee on Ways & Means.

SB 6154 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, King and Pflug

AN ACT Relating to basic health plan eligibility; amending RCW 70.47.020 and 70.47.060; adding a new section to chapter 70.47 RCW; repealing RCW 70.47.080 and 70.47.090; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6155 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, King and Pflug

AN ACT Relating to modifying general assistance provisions; amending RCW 74.04.005 and 74.08A.100; adding a new section to chapter 74.08 RCW; repealing RCW 74.04.266, 74.50.035, and 74.50.060; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6156 by Senators Zarelli, Stevens, Becker, Delvin, Honeyford, Swecker, Schoesler, Hewitt, Parlette, Carrell, King and Pflug

AN ACT Relating to economically responsible solutions for higher education funding and access; amending RCW 28B.10.695, 28B.15.910, and 28B.10.056; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

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MOTION

On motion of Senator McDermott, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

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

SECOND READING

HOUSE BILL NO. 1058, by Representatives Goodman and Rodne

Revising editorial standards for the RCW.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Berkey, Brown, Eide, Fairley, Keiser, McAuliffe and Oemig were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1058.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1058 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

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

Excused: Senators Berkey, Brown, Eide, Fairley, Keiser and McAuliffe

HOUSE BILL NO. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1067, by House Committee on Judiciary (originally sponsored by Representatives Pedersen and Rodne)

Creating the uniform limited partnership act.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1067 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1067.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

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

Absent: Senators Pflug and Zarelli

Excused: Senators Berkey, Brown, Eide and McAuliffe

SUBSTITUTE HOUSE BILL NO. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1195, by Representatives Haigh, Kristiansen and Hunt

Regarding payment of undisputed claims.

The measure was read the second time.

## MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1195.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Eide and McAuliffe

HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## POINT OF INQUIRY

Senator Delvin: "Would the gentleman from the Forty-Fifth District yield to a question? Senator Oemig, would you define the man?"

Senator Oemig: "In this case, the government would."

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed the 2009 Boys & Girls Club Youth Active Year Candidates and State Youth of the Year, Miss Christy Kpodo who were seated in the gallery.

## SECOND READING

HOUSE BILL NO. 1270, by Representatives Green, Cody, Dickerson, Ericksen, Upthegrove, Springer, Roberts and Nelson

Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority.

The measure was read the second time.

## MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

## MOTION

On motion of Senator King, Senators Brandland and Delvin were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1270.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

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

Excused: Senators Berkey, Brandland, Delvin and Eide

HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1339, by Representatives Conway, Wood, Armstrong, Hunt, Condotta, Green, Williams, Crouse, Moeller and Chandler

Correcting statutory references.

The measure was read the second time.

## MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1339.

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## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1339 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Brandland and Eide

HOUSE BILL NO. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1010,  
 ENGROSSED HOUSE BILL NO. 1053,  
 HOUSE BILL NO. 1257,  
 SUBSTITUTE HOUSE BILL NO. 1271,  
 HOUSE BILL NO. 1273,  
 HOUSE BILL NO. 1281,  
 SUBSTITUTE HOUSE BILL NO. 1303,  
 ENGROSSED HOUSE BILL NO. 1311,  
 SUBSTITUTE HOUSE BILL NO. 1323,  
 HOUSE BILL NO. 1324,  
 HOUSE BILL NO. 1375,  
 HOUSE BILL NO. 1380,  
 SUBSTITUTE HOUSE BILL NO. 1435,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,  
 HOUSE BILL NO. 1474,  
 HOUSE BILL NO. 1478,  
 HOUSE BILL NO. 1492,  
 HOUSE BILL NO. 1506,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,  
 SUBSTITUTE HOUSE BILL NO. 1518,  
 SUBSTITUTE HOUSE BILL NO. 1565,  
 HOUSE BILL NO. 1567,  
 ENGROSSED HOUSE BILL NO. 1568,  
 HOUSE BILL NO. 1596,  
 SUBSTITUTE HOUSE BILL NO. 1621,  
 SUBSTITUTE HOUSE BILL NO. 1663,  
 SUBSTITUTE HOUSE BILL NO. 1692,  
 SUBSTITUTE HOUSE BILL NO. 1808,  
 SUBSTITUTE HOUSE BILL NO. 1825,  
 HOUSE BILL NO. 1826,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,  
 SUBSTITUTE HOUSE BILL NO. 2013,  
 SUBSTITUTE HOUSE BILL NO. 2095,  
 SUBSTITUTE HOUSE BILL NO. 2214,

## SECOND READING

HOUSE BILL NO. 1515, by Representatives Driscoll, Ericksen, Cody, Ross, Morrell, Green, Upthegrove, Kelley, Johnson, Maxwell and Wood

Allowing electronic approval of vital records.

The measure was read the second time.

## MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill. The President declared the question before the Senate to be the final passage of House Bill No. 1515.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1515 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator McDermott, Substitute House Bill No. 1791 was removed from the Consent Calendar and placed on the Second Reading Calendar.

## SECOND READING

HOUSE BILL NO. 1790, by Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins

Including domestic violence court order violations to the list of offenses eligible for notification.

The measure was read the second time.

## MOTION

Senator Regala moved that the following committee amendment by the Committee on Human Services & Corrections be adopted.

On page 4, on line 9, after "9A.46.110" strike all material through "1983," on line 10

Senator Regala spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to House Bill No. 1790.

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

## MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1790 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1790 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1790 as amended by the Senate and the bill passed the

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Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1790 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1852, by Representatives Appleton and Hinkle

Modifying provisions relating to record checks using fingerprints.

The measure was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1852.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1852 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2157, by House Committee on General Government Appropriations (originally sponsored by Representative Springer)

Consolidating certain salmon recovery activities and programs within the recreation and conservation office.

The measure was read the second time.

#### MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

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

(1) Washington has made significant investments in watershed-based activities, including the establishment of water resource inventory area (WRIA) planning units and lead agencies, lead entities, and regional salmon recovery organizations across the state. Washington watersheds have developed subbasin plans under the Northwest power and conservation council and national oceanic and atmospheric administration-approved regional salmon recovery plans that include locally prioritized salmon recovery projects;

(2) The governor's salmon recovery office was established to support the development and implementation of regional salmon recovery plans, to assist local governments in obtaining federal assurances, and to issue a biennial state of the salmon report;

(3) The salmon recovery funding board provides grants for salmon recovery and the forum on monitoring salmon recovery and watershed health works to provide greater coordination on monitoring. Administrative support for the board and the forum are provided by the recreation and conservation office;

(4) Lead entity funding to support infrastructure and capacity needs is provided through the recreation and conservation office, which contracts with the department of fish and wildlife to implement the program. Funding for WRIA planning units and lead agencies to develop and implement watershed-based plans under RCW 90.82.040 is provided by the department of ecology; and

(5) Currently, state watershed and salmon recovery-based programs are split among several state agencies or offices. Efficient implementation of these efforts will be enhanced by promoting consolidation and integration of their activities and programs. In addition, consolidation of reporting benefits the public and decision makers regarding watershed health, which includes salmon recovery. It is also the intent of the legislature, in cooperation with local and regional officials, and respecting the ability of local citizens and officials to organize in ways best suited to address local needs, to encourage the development of incentives that consolidate existing processes and promote more effective implementation of salmon recovery plans and watershed planning and implementation.

**Sec. 2.** RCW 77.85.030 and 2007 c 444 s 3 are each amended to read as follows:

(1) The governor's salmon recovery office ~~((is created within the office of the governor to))~~ shall coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. ~~((The))~~ A primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is also responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) ~~((The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans.))~~ The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery ~~((The governor's salmon recovery office))~~ and shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

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(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans;

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to ~~((the independent)) science panels ((or other science-related panels))~~ on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~(5) ((This section expires June 30, 2015:)) For administrative purposes, the governor's salmon recovery office is located within the recreation and conservation office.~~

**Sec. 3.** RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

**Sec. 4.** RCW 77.85.020 and 2007 c 444 s 2 are each amended to read as follows:

(1) ~~((No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon~~

recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report must include the following:

~~—(a) A summary of habitat projects including but not limited to:~~

~~—(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;~~

~~—(ii) A summary of salmon restoration efforts undertaken in the past two years;~~

~~—(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and~~

~~—(iv) A summary of efforts taken to protect salmon habitat;~~

~~—(b) A summary of harvest and hatchery management activities affecting salmon recovery;~~

~~—(c) A summary of the number and types of violations of existing laws pertaining to salmon. The summary may include information about the types of sanctions imposed for these violations.~~

~~—(2) The report may include the following:~~

~~—(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and~~

~~—(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.~~

~~—(3) The report shall summarize the monitoring data coordinated by the forum on monitoring salmon recovery and watershed health. The summary may include but is not limited to data and analysis related to:~~

~~—(a) Measures of progress in fish recovery;~~

~~—(b) Measures of factors limiting recovery as well as trends in such factors; and~~

~~—(c) The status of implementation of projects and activities.~~

—(4)) Beginning December 2010, the recreation and conservation office shall produce a biennial report on the statewide status of salmon recovery and watershed health, summarize projects and programs funded by the salmon recovery funding board, and summarize progress as measured by high-level indicators and state agency compliance with applicable protocols established by the forum for monitoring salmon recovery and watershed health. The report must be a consolidation of the current reporting activities, including the salmon recovery funding board and the forum on monitoring salmon recovery and watershed health, on the status of salmon recovery and watershed health in Washington state, in accordance with RCW 77.85.250(8). The report shall also include a high-level status report on watershed planning efforts under chapter 90.82 RCW as summarized by the department of ecology and on salmon recovery and watershed planning as summarized by the Puget Sound partnership. The report's introduction must include a list of high-level questions related to the status of watershed health and salmon recovery to help decision makers and the public respond to salmon recovery and watershed health management needs.

—(2) The department, the department of ecology, the department of natural resources, and the state conservation commission((, and the forum on monitoring salmon recovery and watershed health)) shall provide to the ((governor's salmon recovery)) recreation and conservation office information requested by the office necessary to prepare the ((state of the salmon report and other reports produced by the office)) consolidated report on salmon recovery and watershed health.

**Sec. 5.** RCW 77.85.250 and 2007 c 444 s 8 are each amended to read as follows:

(1) ~~((The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee~~

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developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

—(2)) The forum on monitoring salmon recovery and watershed health is created to implement *the Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. For administrative purposes, the forum is located within the recreation and conservation office. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Governor's salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound ((action team, or a successor state agency))

partnership;

- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

((3)) (2) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

((4)) (3) The forum on monitoring salmon recovery and watershed health shall recommend a set of ((measures)) high-level indicators for use ((by the governor's salmon recovery office)) in the ((state of the salmon report)) consolidated report on salmon recovery and watershed health required by RCW 77.85.020 to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

((5)) (4) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

((6)) (5) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies((; coordinating with the governor's salmon recovery office biennial report as)). This information must be included within the consolidated report on salmon recovery and watershed health required by RCW 77.85.020.

((7)) (6) The forum on monitoring salmon recovery and watershed health shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

((8)) (7) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative

committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

((9)) (8)(a) The forum on monitoring salmon recovery and watershed health shall adopt general high-level indicators for salmon recovery and watershed health in Washington by December 1, 2009. By July 1, 2010, the forum shall also adopt the protocols for monitoring these high-level indicators that will enable state-conducted or state-funded monitoring efforts to be capable of reporting results that will ensure reporting consistency and agency compliance under the consolidated reporting requirement of RCW 77.85.020. The forum on monitoring salmon recovery and watershed health shall indicate how the general high-level indicators are consistent with, and complement, the more detailed regional and local metrics used to measure watershed health and salmon recovery.

(b) High-level indicators shall inform a nontechnical summary of key metrics that indicate the state of salmon recovery and provide an index of watershed health in Washington.

(9) This section expires June 30, ((2015)) 2011.

NEW SECTION. Sec. 6. (1) By December 1, 2009, the recreation and conservation office, in consultation with the department of ecology, the department of fish and wildlife, regional fisheries enhancement groups, lead entities, planning units and lead agencies, and regional salmon recovery organizations shall provide an assessment to the governor on additional coordination and incentive opportunities with lead entities, regional salmon recovery organizations, lead agencies, and WRIA planning units, and shall include any additional coordination and incentive opportunities for those organizations that exist and operate within a shared watershed boundary or portions of a shared watershed boundary.

(2) By December 1, 2009, the recreation and conservation office and the office of regulatory assistance, working in coordination with the departments of ecology and fish and wildlife, must identify and recommend one pilot project outside of Puget Sound that will effectively integrate salmon recovery and watershed planning missions and objectives. The pilot project's purpose is to demonstrate ways to achieve efficient permitting processes to implement projects identified in local or regional salmon recovery or WRIA-based watershed plans.

(3) This section expires December 31, 2009.

NEW SECTION. Sec. 7. (1) By December 1, 2009, the department of ecology must provide recommendations to the legislature on grant programs related to restoration and protection of water quality and for increases, augmentation, or conservation of water quantity supplies that may be more effectively and efficiently funded through the salmon recovery funding board. The recommendations should include ways to integrate salmon recovery data into reporting of watershed health.

(2) This section expires December 31, 2009.

Sec. 8. RCW 77.85.140 and 2007 c 241 s 22 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year for informational purposes. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The recreation and conservation office shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated

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by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

~~((3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 77.85.020.))~~

**Sec. 9.** RCW 77.85.005 and 2005 c 309 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a statewide strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans. The legislature also finds that a statewide salmon recovery strategy must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring system should be developed and implemented.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the governor's salmon recovery office should be created (~~((within the governor's office))~~) to provide overall coordination of the state's response; an independent science panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and

sequencing habitat projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 10.** RCW 77.85.090 and 2007 c 444 s 5 and 2007 c 341 s 49 are each reenacted and amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030(~~(, during the time it is constituted,))~~) as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec. 11.** RCW 77.85.150 and 2007 c 444 s 6 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, (~~((during the time it is constituted,))~~) maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the governor's salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) If the strategy is updated, an active and thorough public involvement process, including early and meaningful



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opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

**Sec. 12.** RCW 43.41.270 and 2007 c 444 s 7 and 2007 c 241 s 5 are each reenacted and amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the ~~((governor's salmon recovery))~~ recreation and conservation office~~((, during the time it is constituted,))~~ shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the recreation and conservation funding board, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

**Sec. 13.** RCW 79A.25.240 and 2007 c 241 s 57 are each amended to read as follows:

The recreation and conservation office shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in RCW 77.85.120. The office shall also be responsible for tracking salmon recovery expenditures under RCW 77.85.140. The office shall provide all necessary administrative support to the salmon recovery funding board, and the salmon recovery funding board shall be located with the office. ~~((The office shall provide necessary coordination with the salmon recovery office.))~~

**NEW SECTION. Sec. 14.** Nothing in this act is intended to amend chapter 90.71 RCW.

**NEW SECTION. Sec. 15.** RCW 77.85.100 (Work group-- Evaluation of mitigation alternatives) and 2000 c 107 s 100 & 1998 c 246 s 16 are each repealed."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2157.

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

#### MOTION

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

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "amending RCW 77.85.030, 77.85.050, 77.85.020, 77.85.250, 77.85.140, 77.85.005, 77.85.150, and 79A.25.240; reenacting and amending RCW 77.85.090 and 43.41.270; creating new sections; repealing RCW 77.85.100; and providing expiration dates."

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2157 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Holmquist, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2157 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2157 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

SUBSTITUTE HOUSE BILL NO. 2157 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2206, by Representative Darneille

Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account.

The measure was read the second time.

## MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2206.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 2206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1793, by House Committee on Transportation (originally sponsored by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Uptegrove and Eddy)

Addressing alternative student transportation.

The measure was read the second time.

## MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.04 RCW to read as follows:

Concurrent with the federal safe, accountable, flexible, efficient transportation equity act of 2005, a safe routes to school program is established within the department. The purpose of the program is to:

(1) Enable and encourage children, including those with disabilities, to walk and bicycle to school;

(2) Make bicycling and walking to school a safer and more appealing transportation alternative, encouraging a healthy and active lifestyle from an early age; and

(3) Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1793.

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

## MOTION

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

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "and adding a new section to chapter 47.04 RCW."

## MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 1793 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1793 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1793 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

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

Voting nay: Senator McCaslin

Excused: Senators Berkey and Eide

SUBSTITUTE HOUSE BILL NO. 1793 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1156, by Representatives Anderson, Sullivan, Priest, Haigh, Quall, Dammeier, McCune, Wallace, Kelley and Herrera

Creating a preference in the alternative route certification program for veterans and national guard members.

The measure was read the second time.

## MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1156.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1156 and the bill passed the Senate by the following

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vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

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

Absent: Senator Oemig

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1437, by Representatives Dammeier, O'Brien, Pearson, Chandler, Miloscia, Haler, Armstrong, Morrell, Green, Kessler, Kristiansen and Smith

Authorizing a volunteer chaplain for the department of fish and wildlife.

The measure was read the second time.

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Marr, Senators Brown and Oemig were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1437.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1437 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 1437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2199, by Representatives Newhouse and Hudgins

Providing regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects.

The measure was read the second time.

#### MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that restoration of degraded shoreline conditions is important to the ecological function of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts shoreline management act regulations into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The legislature intends to provide relief to property owners in such cases, while protecting the viability of shoreline restoration projects.

**NEW SECTION. Sec. 2.** A new section is added to chapter 90.58 RCW to read as follows:

(1) The local government may grant relief from shoreline master program development standards and use regulations within urban growth areas when the following apply:

(a) A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:

(i)(A) Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

(B) Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable shoreline master program; and

(ii) Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent;

(b) The proposed relief meets the following criteria:

(i) The proposed relief is the minimum necessary to relieve the hardship;

(ii) After granting the proposed relief, there is net environmental benefit from the restoration project;

(iii) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program; and

(iv) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

(c) The application for relief must be submitted to the department for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

(i) Except as otherwise provided in subsection (2) of this section, the department shall provide at least twenty-days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on their web site.

(ii) The department shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the local government if additional public notice is not required.

(2) The public notice requirements of subsection (1)(c) of this section do not apply if the relevant shoreline restoration

project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

(a) The restoration plan has been approved by the department under applicable shoreline master program guidelines;

(b) The shoreline restoration project is specifically identified in the shoreline master program or restoration plan or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and

(c) The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

(3) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.

(b) "Urban growth areas" has the same meaning as defined in RCW 36.70A.030."

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

#### MOTION

Senator Murray moved that the following amendment by Senator Murray to the committee striking amendment be adopted.

On page 3, after line 16 of the amendment, insert the following:

"**Sec. 3.** RCW 90.58.100 and 1997 c 369 s 7 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values, including allowing for the restoration, replacement, augmentation, repair, or enhancement of historic floating home communities;

(h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and

(i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to ~~((insure))~~ ensure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment."

On page 3, line 18 of the title amendment, after "insert" insert "amending RCW 90.58.100;"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Murray, the amendment by Senator Murray on page 3, line after 16 to the committee striking amendment to House Bill No. 2199 was withdrawn.

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to House Bill No. 2199.

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

#### MOTION

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

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

#### MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2199 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Marr, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2199 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2199 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

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

Absent: Senator Ranker

Excused: Senators Berkey, Eide, Kohl-Welles and Prentice

HOUSE BILL NO. 2199 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1967, by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

Prohibiting expansions of urban growth areas into one hundred year floodplains.

The measure was read the second time.

#### MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services

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are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and ~~((RCW 36.70A.110))~~ under this section. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of the effective date of this section and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on the effective date of this section."

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

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Engrossed House Bill No. 1967.

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

#### MOTION

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

On page 1, line 2 of the title, after "floodplains;" strike the remainder of the title and insert "and amending RCW 36.70A.110."

#### MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1967 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1967 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1967 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 7; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Pridemore, Regala, Rockefeller, Schoessler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Voting nay: Senators Hatfield, Holmquist, Honeyford, King, McCaslin, Morton and Roach

Absent: Senator Ranker

Excused: Senators Berkey, Eide and Prentice

ENGROSSED HOUSE BILL NO. 1967 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator McDermott, Senator Ranker was excused.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072, by House Committee on Transportation (originally sponsored by Representatives Wallace, Clibborn and Wood)

Concerning transportation for persons with special transportation needs.

The measure was read the second time.

#### MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 47.06B RCW to read as follows:

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(1) In 2007, the legislature directed the joint transportation committee to conduct a study of special needs transportation to examine and evaluate the effectiveness of special needs transportation in the state. A particular goal of the study was to explore opportunities to enhance coordination of special needs transportation programs to ensure that they are delivered efficiently and result in improved access and increased mobility options for their clients. It is the intent of the legislature to further consider some of the recommendations, and to implement many of these recommendations in the form of two pilot projects that will test the potential for applying these recommendations statewide in the future.

(2) The legislature is aware that the department of social and health services submitted an application in December of 2008 to the federal centers for medicare and medicaid services, seeking approval to use the medical match system, a federal funding system that has different requirements from the federal administrative match system currently used by the department. It is the intent of the legislature to advance the goals of this act and the recommendations of the study identified in subsection (1) of this section without jeopardizing the application made by the department.

(3) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group for the purpose of identifying relevant federal requirements related to special needs transportation, and identifying solutions to streamline the requirements and increase efficiencies in transportation services provided for persons with special transportation needs. To advance its purpose, the work group shall work with relevant federal representatives and agencies to identify and address various challenges and barriers.

(4) Membership of the work group must include, but not be limited to, one or more representatives from:

- (a) The departments of transportation, veterans affairs, health, and social and health services;
- (b) Medicaid nonemergency medical transportation brokers;
- (c) Public transit agencies;
- (d) Regional and metropolitan transportation planning organizations, including a representative of the regional transportation planning organization or organizations that provide staff support to the local coordinating coalition established under section 9 of this act;
- (e) Indian tribes;
- (f) The agency council on coordinated transportation;
- (g) The local coordinating coalitions established under section 9 of this act; and
- (h) The office of the superintendent of public instruction.

(5) The work group shall elect one or more of its members to service as chair or cochairs.

(6) The work group shall immediately contact representatives of the federal congressional delegation for Washington state and the relevant federal agencies and coordinating authorities including, but not limited to, the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility, and invite the federal representatives to work collaboratively to:

- (a) Identify transportation definitions and terminology used in the various relevant state and federal programs, and establish consistent transportation definitions and terminology. For purposes of this subsection, relevant state definitions exclude terminology that requires a medical determination, including whether a trip or service is medically necessary;
- (b) Identify restrictions or barriers that preclude federal, state, and local agencies from sharing client lists or other client information, and make progress towards removing any restrictions or barriers;
- (c) Identify relevant state and federal performance and cost reporting systems and requirements, and work towards

establishing consistent and uniform performance and cost reporting systems and requirements; and

(d) Explore, subject to federal approval, opportunities to test cost allocation models, including the pilot projects established in section 11 of this act, that:

(i) Allow for cost sharing among public paratransit and medicaid nonemergency medical trips; and

(ii) Capture the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(7) By December 1, 2009, the work group shall submit a report to the joint transportation committee that explains the progress made towards the goals of this section and identifies any necessary legislative action that must be taken to implement all the provisions of this section. A second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.06B RCW to read as follows:

(1) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group to consider certain recommendations resulting from the study identified in section 1(1) of this act. In conducting its analysis, the work group must consult with the appropriate federal agencies, including the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility.

(2) The work group must be chaired by a representative of the agency council on coordinated transportation, and members must include one or more representatives of:

- (a) Regional and metropolitan planning organizations;
- (b) Transit agencies;
- (c) Brokerages providing nonemergency medical transportation services; and
- (d) The department of social and health services.

(3) The work group may consider any recommendation resulting from the study identified in section 1(1) of this act, and shall specifically consider the study's recommendations regarding the procurement and designation of community access managers, including:

- (a) The most appropriate agency to make those designations;
- (b) The preferred geographic regions in which to establish community access managers;
- (c) The duties and responsibilities of community access managers; and
- (d) Any study recommendations that may interfere with the department's application as described in section 1(2) of this act, and potential solutions to those issues.

(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed.

(6) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee describing the work group's findings and recommendations for implementing the study recommendations. If the work group finds that additional time is needed to complete its analysis, a second progress report must be submitted to the joint transportation committee by June 1, 2010.

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**Sec. 3.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

The legislature further finds that the transportation needs of each community are unique, and that transportation services may be improved by establishing a system of statewide oversight that seeks input, collaboration, and cooperation from and among all local service providers, including public agencies, private organizations, and community-based groups.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

**Sec. 4.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The purpose of the council is to advance and improve accessibility to and coordination of special needs transportation services statewide. The council is composed of ~~((ten))~~ fourteen voting members and four nonvoting, legislative members.

(2) The ~~((ten))~~ fourteen voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((seven))~~ eleven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; ~~((and))~~

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association;

(f) One person who represents regional transportation planning organizations and metropolitan planning organizations;

(g) One representative of brokers who provide nonemergency, medically necessary trips to persons with special transportation needs under the medicaid program administered by the department of social and health services;

(h) One representative from the Washington state department of veterans affairs; and

(i) One representative of the state association of counties.

(3) The four nonvoting members are legislators as follows:

(a) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives, including at least one member from the house transportation policy and budget committee or the house appropriations committee; and

(b) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate, including at least one member from the senate transportation committee or the senate ways and means committee.

(4) gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~(5) ((The secretary of transportation or a designee shall serve as the chair.~~

~~—((6))) The council shall vote on an annual basis to elect one of its voting members to serve as chair. The position of chair must rotate among the represented agencies, associations, and interest groups at least every two years. If the position of chair is vacated for any reason, the secretary of transportation or the secretary's designee shall serve as acting chair until the next regular meeting of the council, at which time the members will elect a chair.~~

(6) The council shall periodically assess its membership to ensure that there exists a balanced representation of persons with special transportation needs and providers of special transportation needs services. Recommendations for modifying the membership of the council must be included in the council's biennial report to the legislature as provided in RCW 47.06B.050.

~~—((7))~~ The department of transportation shall provide necessary staff support for the council.

~~((7))~~ (8) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

~~((8))~~ (9) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

~~((9))~~ (10) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

~~((10))~~ (11) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

**Sec. 5.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read as follows:

~~((+))~~ To assure implementation of an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation shall:

(1) Consistent with the policy goals set forth in RCW 47.04.280, propose statewide policies and objectives, subject to enactment by the legislature, that are designed to advance the coordination of and to increase efficiencies in special needs transportation services;

(2) Adopt a biennial work plan that must, at a minimum:

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs(~~(-~~

~~—(2) The council shall.);~~

(3) Collaborate with and monitor the efforts of the local coordinating coalitions established under section 9 of this act;

(4) Establish uniform measurable outcome-based performance objectives and measures for evaluating:

(a) The effectiveness of any grant programs administered by the council;

(b) The council's progress made toward accomplishing its overall objectives; and



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(c) In collaboration with local coordinating coalitions established under section 9 of this act, the progress made in each region toward advancing coordination of and accessibility to special needs transportation services;

(5) Periodically provide input and recommendations to local and regional planning organizations for advancing special needs coordinated transportation;

(6) Appoint members to local coordinating coalitions, as provided in section 9 of this act;

(7) Beginning with the 2009-2011 biennial transportation budget, and at the request of the department, review and assess applications made for state paratransit/special needs grants, as provided in section 223(1), chapter 121, Laws of 2008, or other special needs transportation grants administered by the department;

(8) As necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation((-

(3));

(9) To improve the service experienced by persons with special transportation needs, ((the council shall)) develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council((-

(4) The council shall); and

(10) Represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

(1) The legislature acknowledges that successful models of coordination among state, regional, and local service providers recognize that cost accounting and cost allocation are integral components in meeting the statutory obligations of the various funding sources that may be used to support the purchase of services from special needs transportation service providers. To that end, the agency council on coordinated transportation must work collaboratively with any appropriate agencies and transportation providers and organizations to:

(a) Develop and adopt common units of service definitions including, but not limited to, definitions for vehicle miles, vehicle hours, and passenger trips, consistent with any relevant definitions established under section 1 of this act. For purposes of this subsection, "common units of service" excludes elements involving medical determinations, including whether a trip type or transportation service is medically necessary; and

(b) Develop uniform performance and cost reporting systems, consistent with performance and cost reporting systems established under section 1 of this act.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 7. A new section is added to chapter 47.06B RCW to read as follows:

(1) In cooperation with the department of social and health services and the Washington state patrol, the agency council on coordinated transportation shall make progress toward the goal

of establishing a single clearinghouse for driver background checks within the department of social and health services or another appropriate agency. To that end, the council shall, at a minimum:

(a) Review any previous relevant studies;

(b) Identify and collaborate with agencies engaged in background check analysis; and

(c) Develop a work plan to achieve the objectives identified in this subsection.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

Sec. 8. RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read as follows:

The agency council on coordinated transportation shall submit a progress report ((on council activities)) to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in achieving its objectives and in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The report must also include the required performance measure evaluations established in RCW 47.06B.030(4). The information will be reported in a form established by the council.

NEW SECTION. Sec. 9. A new section is added to chapter 47.06B RCW to read as follows:

(1) A local coordinating coalition is created in each nonemergency medical transportation brokerage region, as designated by the department of social and health services, that encompasses:

(a) A single county that has a population of more than seven hundred fifty thousand but less than one million; and

(b) Five counties, and is comprised of at least one county that has a population of more than four hundred thousand.

(2) The purpose of a local coordinating coalition is to advance local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, contributing to the overall objectives and goals of the agency council on coordinated transportation. The local coordinating coalition shall serve in an advisory capacity to the agency council on coordinated transportation by providing the council with a focused and ongoing assessment of the special transportation needs and services provided within its region.

(3) The composition and size of each local coordinating coalition may vary by region. Local coordinating coalition members, appointed by the chair of the agency council on coordinated transportation to two-year terms, must reflect a balanced representation of the region's providers of special needs transportation services and must include:

(a) Members of existing local coordinating coalitions, with approval by those members;

(b) One or more representatives of the public transit agency or agencies serving the region;

(c) One or more representatives of private service providers;

(d) A representative of civic or community-based service providers;

(e) A consumer of special needs transportation services;

(f) A representative of nonemergency medical transportation Medicaid brokers;

(g) A representative of social and human service programs;

(h) A representative of local high school districts; and

(i) A representative from the Washington state department of veterans affairs.

(4) Each coalition shall vote on an annual basis to elect one of its members to serve as chair. The position of chair must rotate among the represented members at least every two years. If the position of chair is vacated for any reason, the member representing the regional transportation planning organization described in subsection (6) of this section shall serve as acting chair until the next regular meeting of the coalition, at which time the members will elect a chair.

(5) Regular meetings of the local coordinating coalition may be convened at the call of the chair or by a majority of the members. Meetings must be open to the public, and held in locations that are readily accessible to public transportation.

(6) The regional transportation planning organization, as described in chapter 47.80 RCW, serving the region in which the local coordinating coalition is created shall provide necessary staff support for the local coordinating coalition. In regions served by more than one regional transportation planning organization, unless otherwise agreed to by the relevant planning organizations, the regional transportation planning organization serving the largest population within the region shall provide the necessary staff support.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.06B RCW to read as follows:

Local coordinating coalitions established under section 9 of this act shall:

(1) Identify, to the greatest extent possible, all local transportation facilities, services, and providers serving persons with special transportation needs in the region, including public transit agencies, private companies, nonprofit organizations, and community-based groups. For each service provider, the coalition shall identify the boundaries within which services are provided;

(2) Identify local service needs, including connectivity gaps and other barriers to reliable and efficient transportation within and across service boundaries;

(3) Consider strategies to address the local service needs and gaps identified in subsection (2) of this section;

(4) In consultation with the agency council on coordinated transportation, collaborate with local service providers and operators to identify and propose common connectivity standards. The connectivity standards must, at a minimum, address signage, transit information, schedule coordination, and services provided to address access to and from a transit stop or facility; and

(5) Beginning December 1, 2009, submit an annual report to the agency council on coordinated transportation that must, at a minimum, describe local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, and progress made in addressing the duties described in this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 47.06B RCW to read as follows:

(1) In addition to the duties identified in sections 9 and 10 of this act, each local coordinating coalition shall develop or implement a pilot project within the coalition's region, as described under section 9(1) of this act, for the purpose of demonstrating cost sharing and cost saving opportunities as described in subsection (2) of this section, and shall keep the agency council on coordinated transportation informed of progress made toward implementing the pilot project. In developing or implementing the pilot project, the local coordinating coalition shall collaborate with the appropriate federal agencies, including the federal transit authority and United States department of health and human services, and may collaborate with other agencies and organizations as deemed appropriate.

(2) The pilot project must be designed to:

(a) Demonstrate opportunities for cost sharing, including but not limited to opportunities among public paratransit and medicaid nonemergency medical trips; and

(b) Test the feasibility of capturing the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(3) By December 1, 2009, and by June 1, 2010, each local coordinating coalition shall submit a status report to the joint transportation committee and agency council on coordinated transportation describing progress made in implementing the pilot project. By December 1, 2010, each local coordinating coalition shall issue a final report to the joint transportation committee and the agency council on coordinated transportation describing progress made in implementing the pilot project.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.300 RCW to read as follows:

By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall provide information annually to the agency council on coordinated transportation, created in chapter 47.06B RCW, on total expenditures related to the transportation of homeless students.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.58 RCW to read as follows:

A municipality, as defined in RCW 35.58.272, and each regional transit authority shall work collaboratively with the appropriate local coordinating coalition or coalitions as described under section 9 of this act to advance the coordination of and maximize efficiencies in transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

**Sec. 14.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

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(h) Optimal performance of the system through time; ~~((and))~~

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and

~~(j) Other criteria, as adopted by the governing body.~~

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

NEW SECTION. Sec. 15. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collect and track data related to transportation purchased for all of its clients. Except as provided in subsection (2) of this section, the data must identify the number of trips provided by service providers, number of clients served, cost per trip, and total cost of transportation provided. For purposes of this subsection, a "trip" means transportation provided from a place of origin to a single point of destination.

(2) The department may comply with the requirements of subsection (1) of this section as provided below:

(a) If transportation services are bundled or combined with other services, the department may report the number of clients that receive transportation services bundled or combined with other services;

(b) If the department purchases a transit pass or voucher that is valid for more than one trip, the department may report the number and cost of multitrip vouchers and passes purchased and issued to clients;

(c) If the department provides mileage reimbursement for client transportation, the department may report the total number of miles submitted for reimbursement and the total cost of the reimbursement; and

(d) The department may exclude any incidental transportation provided to clients by agency staff if mileage or other reimbursement is not requested.

(3) The data collected in subsections (1) and (2) of this section must identify which administration within the department purchased the transportation.

(4) Beginning in September 2009, the department shall provide the agency council on coordinated transportation, as provided under chapter 47.06B RCW, with quarterly reports detailing the data collected under subsections (1) and (2) of this section.

**Sec. 16.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

~~(7)~~ Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

~~((7))~~ (8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

~~((8))~~ (9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

~~((9))~~ (10) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**NEW SECTION. Sec. 17.** A new section is added to chapter 47.01 RCW to read as follows:

(1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input from the agency council on coordinated transportation, as provided in chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council.

**Sec. 18.** RCW 47.06B.900 and 2007 c 421 s 8 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2010))~~ 2011, as provided in RCW 47.06B.901.

**Sec. 19.** RCW 47.06B.901 and 2007 c 421 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2011))~~ 2012:

(1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act), 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

(2) RCW 47.06B.012 and 1999 c 385 § 2;

(3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act), 2007 c 421 § 2, & 1998 c 173 § 2;

(4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act), 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

(5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; ~~((and))~~

(6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) & 2007 c 421 § 6;

(7) Section 1 of this act;

(8) Section 2 of this act;

(9) Section 6 of this act;

(10) Section 7 of this act;

(11) Section 9 of this act;

(12) Section 10 of this act; and

(13) Section 11 of this act.

**NEW SECTION. Sec. 20.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus transportation appropriations act, this act is null and void."

#### MOTION

Senator Tom moved that the following committee

amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation be adopted.

Beginning on page 1, line 3 of the striking amendment, strike all material through page 20, line 10, and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 47.06B RCW to read as follows:

(1) In 2007, the legislature directed the joint transportation committee to conduct a study of special needs transportation to examine and evaluate the effectiveness of special needs transportation in the state. A particular goal of the study was to explore opportunities to enhance coordination of special needs transportation programs to ensure that they are delivered efficiently and result in improved access and increased mobility options for their clients. It is the intent of the legislature to further consider some of the recommendations, and to implement many of these recommendations in the form of two pilot projects that will test the potential for applying these recommendations statewide in the future.

(2) The legislature is aware that the department of social and health services submitted an application in December of 2008 to the federal centers for medicare and medicaid services, seeking approval to use the medical match system, a federal funding system that has different requirements from the federal administrative match system currently used by the department. It is the intent of the legislature to advance the goals of this act and the recommendations of the study identified in subsection (1) of this section without jeopardizing the application made by the department.

(3) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group for the purpose of identifying relevant federal requirements related to special needs transportation, and identifying solutions to streamline the requirements and increase efficiencies in transportation services provided for persons with special transportation needs. To advance its purpose, the work group shall work with relevant federal representatives and agencies to identify and address various challenges and barriers.

(4) Membership of the work group must include, but not be limited to, one or more representatives from:

(a) The departments of transportation, veterans affairs, health, and social and health services;

(b) Medicaid nonemergency medical transportation brokers;

(c) Public transit agencies;

(d) Regional and metropolitan transportation planning organizations, including a representative of the regional transportation planning organization or organizations that provide staff support to the local coordinating coalition established under section 9 of this act;

(e) Indian tribes;

(f) The agency council on coordinated transportation;

(g) The local coordinating coalitions established under section 9 of this act; and

(h) The office of the superintendent of public instruction.

(5) The work group shall elect one or more of its members to service as chair or cochair.

(6) The work group shall immediately contact representatives of the federal congressional delegation for Washington state and the relevant federal agencies and coordinating authorities including, but not limited to, the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility, and invite the federal representatives to work collaboratively to:

(a) Identify transportation definitions and terminology used in the various relevant state and federal programs, and establish consistent transportation definitions and terminology. For purposes of this subsection, relevant state definitions exclude

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terminology that requires a medical determination, including whether a trip or service is medically necessary;

(b) Identify restrictions or barriers that preclude federal, state, and local agencies from sharing client lists or other client information, and make progress towards removing any restrictions or barriers;

(c) Identify relevant state and federal performance and cost reporting systems and requirements, and work towards establishing consistent and uniform performance and cost reporting systems and requirements; and

(d) Explore, subject to federal approval, opportunities to test cost allocation models, including the pilot projects established in section 11 of this act, that:

(i) Allow for cost sharing among public paratransit and medicaid nonemergency medical trips; and

(ii) Capture the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(7) By December 1, 2009, the work group shall submit a report to the joint transportation committee that explains the progress made towards the goals of this section and identifies any necessary legislative action that must be taken to implement all the provisions of this section. A second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 2. A new section is added to chapter 47.06B RCW to read as follows:

(1) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group to consider certain recommendations resulting from the study identified in section 1(1) of this act. In conducting its analysis, the work group must consult with the appropriate federal agencies, including the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility.

(2) The work group must be chaired by a representative of the agency council on coordinated transportation, and members must include one or more representatives of:

- (a) Regional and metropolitan planning organizations;
- (b) Transit agencies;
- (c) Brokerages providing nonemergency medical transportation services; and
- (d) The department of social and health services.

(3) The work group may consider any recommendation resulting from the study identified in section 1(1) of this act, and shall specifically consider the study's recommendations regarding the procurement and designation of community access managers, including:

- (a) The most appropriate agency to make those designations;
- (b) The preferred geographic regions in which to establish community access managers;
- (c) The duties and responsibilities of community access managers; and
- (d) Any study recommendations that may interfere with the department's application as described in section 1(2) of this act, and potential solutions to those issues.

(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed.

(6) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint

transportation committee describing the work group's findings and recommendations for implementing the study recommendations. If the work group finds that additional time is needed to complete its analysis, a second progress report must be submitted to the joint transportation committee by June 1, 2010.

**Sec. 3.** RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

The legislature further finds that the transportation needs of each community are unique, and that transportation services may be improved by establishing a system of statewide oversight that seeks input, collaboration, and cooperation from and among all local service providers, including public agencies, private organizations, and community-based groups.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

**Sec. 4.** RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The purpose of the council is to advance and improve accessibility to and coordination of special needs transportation services statewide. The council is composed of ~~((ten))~~ fourteen voting members and four nonvoting, legislative members.

(2) The ~~((ten))~~ fourteen voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((seven))~~ eleven members appointed by the governor as follows:

- (a) One representative from the office of the governor;
- (b) Three persons who are consumers of special needs transportation services, which must include:

- (i) One person designated by the executive director of the governor's committee on disability issues and employment; and
- (ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; ~~((and))~~

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association;

(f) One person who represents regional transportation planning organizations and metropolitan planning organizations;

(g) One representative of brokers who provide nonemergency, medically necessary trips to persons with special transportation needs under the medicaid program administered by the department of social and health services;

(h) One representative from the Washington state department of veterans affairs; and

(i) One representative of the state association of counties.

(3) The four nonvoting members are legislators as follows:

(a) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives, including at least one member

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from the house transportation policy and budget committee or the house appropriations committee; and

(b) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate, including at least one member from the senate transportation committee or the senate ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~(5) ((The secretary of transportation or a designee shall serve as the chair.~~

~~(6))~~ The council shall vote on an annual basis to elect one of its voting members to serve as chair. The position of chair must rotate among the represented agencies, associations, and interest groups at least every two years. If the position of chair is vacated for any reason, the secretary of transportation or the secretary's designee shall serve as acting chair until the next regular meeting of the council, at which time the members will elect a chair.

(6) The council shall periodically assess its membership to ensure that there exists a balanced representation of persons with special transportation needs and providers of special transportation needs services. Recommendations for modifying the membership of the council must be included in the council's biennial report to the legislature as provided in RCW 47.06B.050.

(7) The department of transportation shall provide necessary staff support for the council.

~~((7))~~ (8) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

~~((8))~~ (9) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

~~((9))~~ (10) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

~~((10))~~ (11) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

**Sec. 5.** RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read as follows:

~~((1))~~ To assure implementation of an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation shall:

(1) Consistent with the policy goals set forth in RCW 47.04.280, propose statewide policies and objectives, subject to enactment by the legislature, that are designed to advance the coordination of and to increase efficiencies in special needs transportation services;

(2) Adopt a biennial work plan that must, at a minimum:

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs((-

(2) The council shall);

(3) Collaborate with and monitor the efforts of the local coordinating coalitions established under section 9 of this act;

(4) Establish uniform measurable outcome-based performance objectives and measures for evaluating:

(a) The effectiveness of any grant programs administered by the council;

(b) The council's progress made toward accomplishing its overall objectives; and

(c) In collaboration with local coordinating coalitions established under section 9 of this act, the progress made in each region toward advancing coordination of and accessibility to special needs transportation services;

(5) Periodically provide input and recommendations to local and regional planning organizations for advancing special needs coordinated transportation;

(6) Appoint members to local coordinating coalitions, as provided in section 9 of this act;

(7) Beginning with the 2009-2011 biennial transportation budget, and at the request of the department, review and assess applications made for state paratransit/special needs grants, as provided in section 223(1), chapter 121, Laws of 2008, or other special needs transportation grants administered by the department;

(8) As necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation((-

(3));

(9) To improve the service experienced by persons with special transportation needs, ((the council shall)) develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council((-

(4) The council shall); and

(10) Represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

**NEW SECTION. Sec. 6.** A new section is added to chapter 47.06B RCW to read as follows:

(1) The legislature acknowledges that successful models of coordination among state, regional, and local service providers recognize that cost accounting and cost allocation are integral components in meeting the statutory obligations of the various funding sources that may be used to support the purchase of services from special needs transportation service providers. To that end, the agency council on coordinated transportation must work collaboratively with any appropriate agencies and transportation providers and organizations to:

(a) Develop and adopt common units of service definitions including, but not limited to, definitions for vehicle miles, vehicle hours, and passenger trips, consistent with any relevant definitions established under section 1 of this act. For purposes of this subsection, "common units of service" excludes elements involving medical determinations, including whether a trip type or transportation service is medically necessary; and

(b) Develop uniform performance and cost reporting systems, consistent with performance and cost reporting systems established under section 1 of this act.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report

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must be submitted to the joint transportation committee by December 1, 2010.

**NEW SECTION. Sec. 7.** A new section is added to chapter 47.06B RCW to read as follows:

(1) In cooperation with the department of social and health services and the Washington state patrol, the agency council on coordinated transportation shall make progress toward the goal of establishing a single clearinghouse for driver background checks within the most cost-effective agency. To that end, the council shall, at a minimum:

- (a) Review any previous relevant studies;
- (b) Identify and collaborate with agencies engaged in background check analysis; and
- (c) Develop a work plan to achieve the objectives identified in this subsection.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

**Sec. 8.** RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read as follows:

The agency council on coordinated transportation shall submit a progress report (~~(on council activities)~~) to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in achieving its objectives and in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The report must also include the required performance measure evaluations established in RCW 47.06B.030(4). The information will be reported in a form established by the council.

**NEW SECTION. Sec. 9.** A new section is added to chapter 47.06B RCW to read as follows:

(1) A local coordinating coalition is created in each nonemergency medical transportation brokerage region, as designated by the department of social and health services, that encompasses:

- (a) A single county that has a population of more than seven hundred fifty thousand but less than one million; and
- (b) Five counties, and is comprised of at least one county that has a population of more than four hundred thousand.

(2) The purpose of a local coordinating coalition is to advance local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, contributing to the overall objectives and goals of the agency council on coordinated transportation. The local coordinating coalition shall serve in an advisory capacity to the agency council on coordinated transportation by providing the council with a focused and ongoing assessment of the special transportation needs and services provided within its region.

(3) The composition and size of each local coordinating coalition may vary by region. Local coordinating coalition members, appointed by the chair of the agency council on coordinated transportation to two-year terms, must reflect a balanced representation of the region's providers of special needs transportation services and must include:

- (a) Members of existing local coordinating coalitions, with approval by those members;
- (b) One or more representatives of the public transit agency or agencies serving the region;
- (c) One or more representatives of private service providers;
- (d) A representative of civic or community-based service providers;
- (e) A consumer of special needs transportation services;

(f) A representative of nonemergency medical transportation medicaid brokers;

- (g) A representative of social and human service programs;
- (h) A representative of local high school districts; and
- (i) A representative from the Washington state department of veterans affairs.

(4) Each coalition shall vote on an annual basis to elect one of its members to serve as chair. The position of chair must rotate among the represented members at least every two years. If the position of chair is vacated for any reason, the member representing the regional transportation planning organization described in subsection (6) of this section shall serve as acting chair until the next regular meeting of the coalition, at which time the members will elect a chair.

(5) Regular meetings of the local coordinating coalition may be convened at the call of the chair or by a majority of the members. Meetings must be open to the public, and held in locations that are readily accessible to public transportation.

(6) The regional transportation planning organization, as described in chapter 47.80 RCW, serving the region in which the local coordinating coalition is created shall provide necessary staff support for the local coordinating coalition. In regions served by more than one regional transportation planning organization, unless otherwise agreed to by the relevant planning organizations, the regional transportation planning organization serving the largest population within the region shall provide the necessary staff support.

**NEW SECTION. Sec. 10.** A new section is added to chapter 47.06B RCW to read as follows:

Local coordinating coalitions established under section 9 of this act shall:

(1) Identify, to the greatest extent possible, all local transportation facilities, services, and providers serving persons with special transportation needs in the region, including public transit agencies, private companies, nonprofit organizations, and community-based groups. For each service provider, the coalition shall identify the boundaries within which services are provided;

(2) Identify local service needs, including connectivity gaps and other barriers to reliable and efficient transportation within and across service boundaries;

(3) Consider strategies to address the local service needs and gaps identified in subsection (2) of this section;

(4) In consultation with the agency council on coordinated transportation, collaborate with local service providers and operators to identify and propose common connectivity standards. The connectivity standards must, at a minimum, address signage, transit information, schedule coordination, and services provided to address access to and from a transit stop or facility; and

(5) Beginning December 1, 2009, submit an annual report to the agency council on coordinated transportation that must, at a minimum, describe local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, and progress made in addressing the duties described in this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 47.06B RCW to read as follows:

(1) In addition to the duties identified in sections 9 and 10 of this act, each local coordinating coalition shall develop or implement a pilot project within the coalition's region, as described under section 9(1) of this act, for the purpose of demonstrating cost sharing and cost saving opportunities as described in subsection (2) of this section, and shall keep the agency council on coordinated transportation informed of progress made toward implementing the pilot project. In developing or implementing the pilot project, the local coordinating coalition shall collaborate with the appropriate federal agencies, including the federal transit authority and



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United States department of health and human services, and may collaborate with other agencies and organizations as deemed appropriate.

(2) The pilot project must be designed to:

(a) Demonstrate opportunities for cost sharing, including but not limited to opportunities among public paratransit and medicaid nonemergency medical trips; and

(b) Test the feasibility of capturing the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(3) By December 1, 2009, and by June 1, 2010, each local coordinating coalition shall submit a status report to the joint transportation committee and agency council on coordinated transportation describing progress made in implementing the pilot project. By December 1, 2010, each local coordinating coalition shall issue a final report to the joint transportation committee and the agency council on coordinated transportation describing progress made in implementing the pilot project.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.300 RCW to read as follows:

By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall provide information annually to the agency council on coordinated transportation, created in chapter 47.06B RCW, on total expenditures related to the transportation of homeless students.

**NEW SECTION. Sec. 13.** A new section is added to chapter 35.58 RCW to read as follows:

A municipality, as defined in RCW 35.58.272, and each regional transit authority shall work collaboratively with the appropriate local coordinating coalition or coalitions as described under section 9 of this act to advance the coordination of and maximize efficiencies in transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

**Sec. 14.** RCW 36.73.020 and 2006 c 311 s 25 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time; ~~((and))~~

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and

(j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

**Sec. 15.** RCW 47.80.023 and 2007 c 421 s 5 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.



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(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

(7) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(10) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

**NEW SECTION. Sec. 16.** A new section is added to chapter 47.01 RCW to read as follows:

(1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input

from the agency council on coordinated transportation, as provided in chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council.

**Sec. 17.** RCW 47.06B.900 and 2007 c 421 s 8 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2010))~~ 2011, as provided in RCW 47.06B.901.

**Sec. 18.** RCW 47.06B.901 and 2007 c 421 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2011))~~ 2012:

(1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act), 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

(2) RCW 47.06B.012 and 1999 c 385 § 2;

(3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act), 2007 c 421 § 2, & 1998 c 173 § 2;

(4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act), 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

(5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6; ~~((and))~~

(6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) & 2007 c 421 § 6;

(7) Section 1 of this act;

(8) Section 2 of this act;

(9) Section 6 of this act;

(10) Section 7 of this act;

(11) Section 9 of this act;

(12) Section 10 of this act; and

(13) Section 11 of this act.

**NEW SECTION. Sec. 19.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus transportation appropriations act, this act is null and void."

Senator Tom spoke in favor of adoption of the committee amendment by the committee on Ways & Means to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2072.

The motion by Senator Tom carried and the committee amendment by the Committee on Ways & Means to the committee striking amendment by the Committee on Transportation was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 2072.

The motion by Senator Jarrett carried and the committee striking amendment as amended was adopted by voice vote.

#### MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 43.20A RCW; creating a new section; and providing an effective date."

On page 20, line 16 of the title amendment, strike "adding a new section to chapter 43.20A RCW;"

## MOTION

On motion of Senator Jarrett, the rules were suspended, Engrossed Substitute House Bill No. 2072 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2072 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2072 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Eide and Prentice

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2313, by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville, Van De Wege, Nelson, Green, Liias, Blake, Darneille, Sells, Wallace, Simpson, Eddy, Carlyle, White, Williams, McCoy, Orwall, Moeller, Chase, Hurst, Hunter, Rolfes, Finn, Sullivan, Springer, Jacks, Kelley, Seaquist, Clibborn, Probst, Cody, Hasegawa, Hudgins, Roberts, Kessler, Ormsby, O'Brien, Dickerson, Takko, Kenney, Morrell, Santos, Hunt, Miloscia and Goodman

Extending the length of commercial and farm vehicle permits.

The measure was read the second time.

## MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.162 and 2006 c 337 s 3 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds

for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for ~~((the period remaining in the first month of monthly license))~~ thirty consecutive calendar days, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 2313.

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

## MOTION

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

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "and amending RCW 46.16.162."

## MOTION

On motion of Senator Jarrett, the rules were suspended, House Bill No. 2313 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2313 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2313 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-

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Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Prentice

HOUSE BILL NO. 2313 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2223, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Johnson and Morrell)

Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

The measure was read the second time.

## MOTION

Senator Jarrett moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.25.060 and 2007 c 418 s 1 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person is a resident of this state, has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely, and has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars for each classified skill examination or combination of classified skill examinations conducted by the department.

(b) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section under the following conditions:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. part 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(c) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars for each classified skill

examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(2) The department shall work with the office of the superintendent of public instruction to develop modified P1 and P2 skill examinations that also include the skill examination components required to obtain an "S" endorsement. In no event may a new applicant for an "S" endorsement be required to take two separate examinations to obtain an "S" endorsement and either a P1 or P2 endorsement, unless that applicant is upgrading his or her existing commercial driver's license to include an "S" endorsement. The combined P1/S or P2/S skill examination must be offered to the applicant at the same cost as a regular P1 or P2 skill examination.

(3)(a) The department may waive the skills test and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. part 383.77.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (3)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

This subsection (3)(b) expires July 1, 2011.

(4) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(5)(a) The department may issue a commercial driver's instruction permit to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has submitted a proper application, passed the general knowledge examination required for issuance of a commercial driver's license under subsection (1) of this section, and paid the appropriate fee for the knowledge examination and an application fee of ten dollars.

(b) A commercial driver's instruction permit may not be issued for a period to exceed six months. Only one renewal or reissuance may be granted within a two-year period.

(c) The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. The holder of a commercial driver's

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instruction permit is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(d) The department shall transmit the fees collected for commercial driver's instruction permits to the state treasurer."

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

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2223.

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

## MOTION

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

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 46.25.060; and providing an expiration date."

## MOTION

On motion of Senator Jarrett, the rules were suspended, Substitute House Bill No. 2223 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jarrett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2223 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2223 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Eide and Prentice

SUBSTITUTE HOUSE BILL NO. 2223 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

ENGROSSED HOUSE BILL NO. 1513, by Representative Haler

Allowing municipalities to participate in financing the development of water or sewer facility projects.

The measure was read the second time.

## MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1513.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Senators Berkey, Eide and Prentice

ENGROSSED HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1548, by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Kelley, Simpson, Morrell and Ormsby

Addressing interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system.

The measure was read the second time.

## MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1548.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1548 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

At 10:59 a.m., on motion of Senator McDermott, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 11:08 a.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1844, by Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell

Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1844.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1844 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

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

Absent: Senator Kline

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1059, by Representatives Goodman, Kelley and Rodne

Making technical corrections to various statutes at the request of the statute law committee.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed House Bill No. 1059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1059.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Brown,

Carrell, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey and Eide

ENGROSSED HOUSE BILL NO. 1059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1068, by Representatives Pedersen and Rodne

Revising the Washington business corporation act.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1068 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1068.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1068 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1068, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1551, by Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby

Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1551.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1551 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Senators Berkey and Eide

HOUSE BILL NO. 1551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Kelley and Kenney)

Registering business entities and associations with the secretary of state.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Carrell and McCaslin be adopted.

On page 10, beginning on line 23, after "the secretary" strike "is not required to" and insert "shall"

On page 10, beginning on line 24, after "dissolved" strike "for not complying with this section" and insert "under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution"

On page 11, line 10, after "of state" strike "may" and insert "shall"

On page 11, line 14, after "within" strike "fifteen days" and insert "five years"

On page 11, line 20, after "circumstances" strike "giving rise to" and insert "of"

On page 11, line 21, after "filing or lapse," insert "that disproportionate harm would occur to the corporation sole if relief were not granted,"

Senator Hargrove spoke in favor of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Carrell and McCaslin on page 10, line 23 to Substitute House Bill No. 1592.

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

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1592 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1592 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1592 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

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

Voting nay: Senators Benton, Holmquist and Stevens

Excused: Senators Berkey, Eide and Fairley

SUBSTITUTE HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. We also have a Senator on the floor today whose birthday is today and I believe he is, I think fifty-six. Although I am dyslexic, I'm not sure."

#### REMARKS BY THE PRESIDENT

President Owen: "And with your dyslexia can you point out the Senator for us? Senator Carrell. Happy Birthday Senator Carrell."

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1953, by House Committee on Ways & Means (originally sponsored by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle)

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The measure was read the second time.

#### MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1953.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Benton, Brandland, Brown, Carrell, Delvin, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Jarrett,

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Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senators Berkey, Eide and Fairley

SUBSTITUTE HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:39 a.m., on motion of Senator McDermott, the Senate adjourned until 10:00 a.m. Monday, April 13, 2009.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

1010-S	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1053	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1058	Second Reading. . . . .	2
	Third Reading Final Passage. . . . .	2
1059	Second Reading. . . . .	29
	Third Reading Final Passage. . . . .	29
1067-S	Second Reading. . . . .	2
	Third Reading Final Passage. . . . .	3
1068	Second Reading. . . . .	29
	Third Reading Final Passage. . . . .	29
1156	Second Reading. . . . .	10
	Third Reading Final Passage. . . . .	10
1195	Second Reading. . . . .	3
	Third Reading Final Passage. . . . .	3
1257	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1270	Second Reading. . . . .	3
	Third Reading Final Passage. . . . .	3
1271-S	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1273	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1281	President Signed. . . . .	4
	Speaker Signed.. . . .	1
1303-S	President Signed. . . . .	4
	Speaker Signed.. . . .	1

1311  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1323-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1324  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1339  
 Second Reading. . . . . 3  
 Third Reading Final Passage. . . . . 4

1375  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1380  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1435-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1437  
 Second Reading. . . . . 11  
 Third Reading Final Passage. . . . . 11

1441-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1474  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1478  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1492  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1506  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1512-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1513  
 Second Reading. . . . . 28  
 Third Reading Final Passage. . . . . 28

1515  
 Second Reading. . . . . 4  
 Third Reading Final Passage. . . . . 4

1518-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1548  
 Second Reading. . . . . 28  
 Third Reading Final Passage. . . . . 28

1551  
 Second Reading. . . . . 29  
 Third Reading Final Passage. . . . . 30

1565-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1567  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1568  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1592-S  
 Second Reading. . . . . 30  
 Third Reading Final Passage. . . . . 30

1596  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 1

1621-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1663-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1692-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1790  
 Other Action. . . . . 4  
 Second Reading. . . . . 4  
 Third Reading Final Passage. . . . . 4

1793-S  
 Other Action. . . . . 10  
 Second Reading. . . . . 10  
 Third Reading Final Passage. . . . . 10

1808-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1825-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1826  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1844  
 Second Reading. . . . . 29  
 Third Reading Final Passage. . . . . 29

1852  
 Second Reading. . . . . 5  
 Third Reading Final Passage. . . . . 5

1939-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

1953-S  
 Second Reading. . . . . 30  
 Third Reading Final Passage. . . . . 30

1967  
 Other Action. . . . . 14  
 Second Reading. . . . . 13  
 Third Reading Final Passage. . . . . 14

2013-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

2072-S  
 Other Action. . . . . 25  
 Second Reading. . . . . 14, 20  
 Third Reading Final Passage. . . . . 26

2095-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2

2157-S  
 Other Action. . . . . 9  
 Second Reading. . . . . 5  
 Third Reading Final Passage. . . . . 9

2199  
 Other Action. . . . . 12, 13  
 Second Reading. . . . . 11, 12  
 Third Reading Final Passage. . . . . 13

2206  
 Second Reading. . . . . 9  
 Third Reading Final Passage. . . . . 10

2214-S  
 President Signed. . . . . 4  
 Speaker Signed.. . . . 2



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2223-S  
 Other Action. . . . . 28  
 Second Reading. . . . . 27  
 Third Reading Final Passage. . . . . 28

2313  
 Other Action. . . . . 26  
 Second Reading. . . . . 26  
 Third Reading Final Passage. . . . . 26

5015  
 Messages. . . . . 1

5017  
 Speaker Signed.. . . . . 1

5195-S  
 Speaker Signed.. . . . . 1

5233  
 Speaker Signed.. . . . . 1

5271-S  
 Speaker Signed.. . . . . 1

5284  
 Speaker Signed.. . . . . 1

5305  
 Speaker Signed.. . . . . 1

5315  
 Speaker Signed.. . . . . 1

5322  
 Speaker Signed.. . . . . 1

5327-S  
 Speaker Signed.. . . . . 1

5343-S  
 Speaker Signed.. . . . . 1

5350-S  
 Speaker Signed.. . . . . 1

5356  
 Messages. . . . . 1

5426  
 Speaker Signed.. . . . . 1

5434-S  
 Speaker Signed.. . . . . 1

5571-S  
 Messages. . . . . 1

5613-S  
 Messages. . . . . 1

5695  
 Speaker Signed.. . . . . 1

5699  
 Speaker Signed.. . . . . 1

5767  
 Speaker Signed.. . . . . 1

5776-S  
 Messages. . . . . 1

5793-S  
 Speaker Signed.. . . . . 1

5797-S  
 Messages. . . . . 1

5873-S  
 Messages. . . . . 1

5980  
 Speaker Signed.. . . . . 1

5987-S  
 Speaker Signed.. . . . . 1

6000-S  
 Speaker Signed.. . . . . 1

6024-S  
 Speaker Signed.. . . . . 1

6068  
 Messages. . . . . 1

6153  
 Introduction & 1st Reading. . . . . 2

6154

Introduction & 1st Reading. . . . . 2

6155  
 Introduction & 1st Reading. . . . . 2

6156  
 Introduction & 1st Reading. . . . . 2

8003  
 Speaker Signed.. . . . . 1

8006  
 Messages. . . . . 1

8012  
 Messages. . . . . 1

8013  
 Messages. . . . . 1

PRESIDENT OF THE SENATE  
 Intro. Special Guest, Boys & Girls Club members.. . . . 3  
 Remarks by the President. . . . . 30

WASHINGTON STATE SENATE  
 Personal Privilege, Senator Hewitt. . . . . 30  
 Point of Inquiry, Senator Delvin. . . . . 3